

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION**

---

|                                  |   |                                |
|----------------------------------|---|--------------------------------|
| <b>UNITED STATES OF AMERICA,</b> | ) |                                |
|                                  | ) | <b>Case No. CR 06-4065-MWB</b> |
| <b>Plaintiff,</b>                | ) |                                |
|                                  | ) | <b>MOTION FOR RETURN</b>       |
| <b>vs.</b>                       | ) | <b>OF SEIZED PROPERTY</b>      |
|                                  | ) |                                |
| <b>JAMES J. PARSONS,</b>         | ) |                                |
|                                  | ) |                                |
| <b>Defendant.</b>                | ) |                                |

---

Comes now, the defendant, Dr. James J. Parsons, and moves this court pursuant to Rule 41(g) of the Federal Rules of Criminal Procedure to issue and order that all property seized by the Government that is not the subject of pending forfeiture proceedings and not the subject of the criminal charges in this case be returned to the defendant or his designee. In support of his motion the defendant states:

1. On July 20, 2006, Dr. Parsons was stopped by an Officer with the Iowa Department of Transportation, Office of Motor Vehicle Enforcement because his rental truck was not displaying the proper USDOT paperwork. The stop led to the eventual search of the rental truck. In addition to the firearms listed in the indictment in this case approximately 70-80 other firearms were seized as well as a knife collection and numerous household goods.

2. At the time of the stop, Mr. Parsons had a legal right to possess all of the firearms in the rental truck with the exception of those listed in the indictment in this case. The firearms he legally possessed were part of his lifetime collection and are worth thousands of dollars. A partial list of the items is included in the Brief in Support of Motion for Return of Seized Property and incorporated in this motion by reference.

3. Although the defendant can not legally have the firearms returned to him, Louis Aloia, who will be present at the sentencing hearing in this case, has agreed to accept arrange for the sale of the firearms for the defendant. He had made arrangements through a licensed firearms dealer near his home in Phoenix, Arizona. The details will be presented at the sentencing hearing. The firearms would not be held in trust for Dr. Parsons and none of the firearms would be returned to Mr. Parsons.

4. In the alternative, Dr. Parsons requests that an appraisal be ordered and the government pay him the value of the firearms that he legally possessed at the time of his arrest but can no longer possess due to the conviction in this case.

5. No forfeiture proceeding has been initiated by the Government for the firearms, knives and other items Dr. Parsons legally possessed at the time of the stop.

WHEREFORE, the defendant, Dr. James Parsons, respectfully requests that the Court grant his Motion for Return of Seized Property and for such other relief as the Court deems just and equitable.

Respectfully submitted,

FEDERAL DEFENDER'S OFFICE  
701 Pierce Street, Suite 400  
Sioux City, Iowa 51101-1036  
(712) 252-4158 Telephone  
(712) 252-4194 Fax  
E-mail: Priscilla\_Forsyth@fd.org  
Contact E-Mail Address: Priscilla\_Forsyth@fd.org

By: /s/ Priscilla E. Forsyth  
PRISCILLA E. FORSYTH  
ATTORNEY FOR DEFENDANT

Original Filed with Court.  
Copies mailed to:

Mr. Forde Fairchild  
Assistant U.S. Attorney  
ATTORNEY FOR PLAINTIFF,  
UNITED STATES OF AMERICA

Mr. Shane L. Moore  
U.S. PROBATION OFFICE

Dr. James Parsons  
DEFENDANT

### **CERTIFICATE OF SERVICE**

I served a copy of this document on the attorneys  
of record of all parties as follows:

1. Method of Service: ( ☒ ) first class mail  
( ☒ ) Electronic service  
( ☐ ) certified mail, return  
receipt requested
2. Date served: January 16, 2007.

I declare that the statements above are true to the  
best of my information, knowledge, and belief.

/s/ Priscilla E. Forsyth